



~~July 16, 2002 CPC~~
~~September 17, 2002 CPC~~
~~November 19, 2002 CPC~~
~~January 21, 2003 CPC~~
~~February 26, 2003 BS~~
November 25, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

02SN0259
(AMENDED)

Swift Creek Partners, LLC

Matoaca Magisterial District
North line of Otterdale Road

REQUEST: (AMENDED) Rezoning from Agricultural (A) to Residential (R-12) of 234.7 acres with Conditional Use to allow private recreational facilities on 9.0 acres of the 234.7 acre site.

PROPOSED LAND USE:

A single family residential subdivision with a maximum of 350 lots is planned, yielding a density of approximately 1.5 dwelling units per acre. In addition, recreation facilities to serve residents of the proposed development are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 11.

AYES: MESSRS. GECKER, LITTON, CUNNINGHAM AND STACK.
NAY: MR. GULLEY.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less.

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- B. The proposed zoning and land use are representative of existing and anticipated development.
- C. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: THE ONLY CONDITION THAT CAN BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (STAFF/CPC) 1. A maximum of 350 lots shall be permitted. (P)
- (STAFF/CPC) 2. The public water and wastewater systems shall be used. (U)
- (STAFF/CPC) 3. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF/CPC) 4. In conjunction with recordation of the initial subdivision plat, a sixty(60) foot wide right-of-way for a residential collector street ("Fox Club Parkway Extended") from Otterdale Road to the eastern property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
- (STAFF/CPC) 5. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

- (STAFF/CPC) 6. Direct access from the property to Otterdale Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
- (STAFF/CPC) 7. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
- a. Construction of additional pavement along Otterdale Road at the public road intersection to provide left and right turn lanes, based on Transportation Department standards;
 - b. Construction of two(2) lanes of Fox Club Parkway Extended as a Residential Collector Street from Otterdale Road to the Eastern Property Line.
 - c. Construction of a three (3) lane typical section (i.e., one (1) eastbound lane and two (2) westbound lanes) for the public road at its intersection with Otterdale Road. The exact length of this improvement shall be approved by the Transportation Department; and
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. Provided, however, in the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in 7(a), the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and only be required to provide required road improvements within available right-of-way as determined by the Transportation Department. (T)
- (STAFF/CPC) 8. Prior to any construction plan, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. (T)
- (STAFF/CPC) 9. The exposed surfaces of the foundations of each dwelling shall be covered with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
- (STAFF/CPC) 10. All dwellings shall have a minimum gross floor area of 2,500 square feet. (P)

- (STAFF/CPC) 11. A fifty (50) foot buffer required in accordance with the Subdivision Ordinance along Otterdale Road shall be located within recorded open space. A thirty-five (35) foot buffer required in accordance with the Subdivision Ordinance along Fox Club Parkway Extended shall be located within recorded open space. (P)
- (STAFF/CPC) 12. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property;
- a. \$7,800 per lot, if paid prior to July 1, 2002; or
 - b. The amount approved by the Board of Supervisors not to exceed \$7800.00 per lot adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2001, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002; and
 - c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
- (STAFF/CPC) 13. All lots shall have a minimum area of 15,000 square feet. (P)
- (STAFF/CPC) 14. To the extent permitted by the Transportation Department and VDOT, in conjunction with the construction of the internal road network, three (3) traffic islands/circles shall be provided. The exact design and location of these traffic islands/circles shall be approved by the Transportation Department. (T)
- (STAFF/CPC) 15. Recreational Facilities. Any recreational facilities shall be subject to the following restrictions:
- a) There shall be no outside public address systems or speakers.
 - b) With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
 - c) Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall

conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

- d) Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
- e) Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
- f) Exterior lighting for recreational uses shall comply with Section 19-573 of the Zoning Ordinance, and the maximum height for light posts shall not exceed twenty (20) feet.
- g) The location of all active recreational uses shall be identified in conjunction with the submittal of the first tentative subdivision plan.
- h) In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)

(STAFF/CPC)

16. A minimum of fifty (50) feet of common open space shall be maintained adjacent to Foxcroft Subdivision. Except for utilities, pedestrian/bicycle paths and roads which run generally perpendicular through the buffer, there shall be no uses permitted in the buffer. Except where necessary to provide the uses stated herein, any healthy trees that are six (6) inches or greater in caliper shall be retained unless removal is approved through the subdivision process. (P)

(STAFF/CPC)

17. Prior to the recordation of more than 300 lots, at a minimum, the following recreational facilities shall be provided and completed:
- a. A twenty-five (25) meter swimming pool
 - b. A 1,000 gross square foot accessory building for the pool
 - c. A 150 foot by 250 foot active recreation playfield. (P)

(STAFF/CPC)

18. The developer shall notify the last known representative of the Foxcroft Homeowners Association on file with the Planning Department of the submission of tentative subdivision plans. Such notice shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)

- (STAFF/CPC) 19. Construction traffic for development of the subdivision shall be prohibited on Fox Club Parkway through Foxcroft Subdivision. (P)
- (NOTE: This does not preclude construction traffic necessary to install utilities within, or build, Fox Club Parkway within Foxcroft Subdivision.)
- (STAFF/CPC) 20. Public roads shall be constructed with concrete curb and gutter. (T)
- (STAFF/CPC) 21. Access for the initial one hundred (100) lots recorded shall be provided to Otterdale Road (P)
- (STAFF/CPC) 22. Plans for Fox Club Parkway within Foxcroft Subdivision shall be submitted to the Planning Commission (either separately or in conjunction with tentative subdivision plan submission) for approval. If submitted separately, the developer shall be responsible for notifying the least known representative of the Fox Croft Homeowner's Association on file with the Planning Department of the submission of the plans and such notice shall occur at least twenty-one (21) day prior to the Commission's consideration of the plan. The developer shall provide the Planning Department with a copy of the notice. To the extent permitted by VDOT such plans shall include the following:
- a. Curb and gutter shall be used and shall be designed to accommodate pedestrian/bicycle crossing near the intersection with Fox Gate Lane;
 - b. The road typical section shall be a maximum width of twenty-eight (28) feet face of curb to face of curb except that for a section from the Fox Gate Lane Intersection west for an approximate distance of 100 feet the road typical section shall be a minimum six (6) foot wide raised median which shall be sodded and irrigated, and the pavement width on either side of the median shall be a maximum of fifteen (15) feet face of curb to face of curb;
 - c. The road typical section shall be located generally in the center of the right of way with minimal disturbance of vegetation on either side of the road;
 - d. Landscaping along both sides of the road (which may include existing vegetation) to minimize the view of the road from adjacent lots; and
 - e. A paved bicycle path on one (1) side of the road. (T)
- (STAFF/CPC) 23. Fox Club Parkway in Foxcroft Subdivision shall not be opened to traffic until the road is paved. (EE)

(STAFF/CPC)

24. At a minimum, the following restrictive covenants shall be recorded for the development:

Architectural Board

The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures, and landscaping requirements. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Association, and the Architectural Board shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant. At such times as fifty percent (50%) of all property within subject property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors of the Association shall have the right to appoint a maximum of two (2) additional members. At no time shall the Architectural Board have fewer than three members nor more than five (5) members. At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors shall appoint all members of the Architectural Board. The declarant may, at his option, delegate to the Board of Directors its right to appoint one or more members of the Architectural Board. At all times, at least one (1) member of the Architectural Board shall be a member of the Association, and at least one (1) member shall be an architect licensed to practice in the State of Virginia, who shall also be the Chairperson.

Mailboxes

Every improved lot shall be required to have a mailbox with supporting post and street light of design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support, and mailbox.

Parking

Each property owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with the standards.

Garages

All dwellings will have side or rear loaded garages.

Signs

No signs shall be erected or maintained on any property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as provided for in the standards or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association.

Condition of Ground

It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on such property which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage

No plan required under these Covenants will be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term "enclosed dwelling area" as used in these minimum size requirements does not include garages, terraces, decks, open porches, and the like areas.

Residential Use

- a) All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the side and provided further that such building is

not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building.

- b) A guest suite or like facility without a kitchen may be included as part of the main dwelling or accessory building, but such suite may not be rented or leased except as part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.
- c) The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Structure Completion

The exterior of all house and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.

Screened Areas

Each lot owner shall provide a screened area to serve as a service yard and an area in which garbage receptacles, fuel tanks or similar storage receptacles, electric and gas meters, air conditioning equipment, clotheslines, and other unsightly objects much be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screened area delineating the size, design, texture, appearance, and location must be approved by the Architectural Board prior to construction. Garbage receptacles and fuel tanks my be located outside of such screened area only if located underground.

Vehicle Storage

No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.

Temporary Structures

No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used as residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.

Antennas

No television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Association for permission to install a television antenna and such permission shall not be unreasonably withheld.

Further Subdivision

No lot shall be subdivided or its boundary lines changed, nor shall applications for same be made to Chesterfield County, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create modified building lot or replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of the paragraph shall not prohibit the combining of two (2) or more continuous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Animals

Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any lot. After giving a lot owner written notice of complaint

and reasonable opportunity to remedy the situation, the Board of Directors may order the removal of any pet which has been a nuisance or a danger.

Section 14 – Motor Bikes All Terrain Vehicles

No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting

No external lighting shall be installed or utilized on any property which is of such character, intensity, or location as to interfere with the use, enjoyment, and privacy of any lot or owner in the near vicinity. No neon or flashing lights shall be permitted. All external lighting shall be approved by the Architectural Board as appropriate in size, location, color, and intensity.

Swimming Pools

No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.

Rules and Regulations.

The Board of Directors is granted and shall have the power to promulgate rules and regulations, from time to time, governing the use of and activity upon the Common Area and the Recreational Facilities (if the Recreational Facilities are owned or leased by the Association). All rules and regulations promulgated by the Board of Directors shall be published and distributed to each member of the Association at least thirty (30) days prior to their effective date. (P)

GENERAL INFORMATION

Location:

North line of Otterdale Road, east of Woolridge Road and at the western terminus of Fox Club Parkway. Tax IDs 712-672-Part of 4372, 713-672-Part of 4247 and 713-675-1759 (Sheet 15).

Existing Zoning:

A

Size:

234.7 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, South and West – R-12 and A; Single family residential or vacant
East – R-12, R-9 and A; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing twenty (20) inch water line extending along a portion of Fox Club Parkway that terminates approximately 800 feet northeast of this site. Use of the public water system is intended (Proffered Condition 2). It should be noted, to facilitate future off-site development, an adequately sized public water main will be required along the Otterdale Road frontage of this site.

Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line extending along a portion of the west branch of Swift Creek that terminates adjacent to Foxcroft Subdivision, approximately 800 feet east of this site. Use of the public wastewater system is intended. (Proffered Condition 2)

ENVIRONMENTAL

Drainage and Erosion:

The property is located in the Upper Swift Creek drainage basin and drains via West Branch to Swift Creek Reservoir. The site is wooded and should not be timbered without first obtaining a land-disturbance permit from the Environmental Engineering Department (Proffered Condition 3). This will insure adequate erosion control measures are in place prior to any timbering.

Water Quality:

The Board of Supervisors has approved the implementation of the Upper Swift Creek Watershed Master Plan establishing a pro-rata fee for the management of phosphorus loads associated with stormwater runoff. It should be noted, development of this property will be subject to this fee for construction of regional BMPs and a fee per lot for regional BMP maintenance in the Upper Swift Creek Reservoir watershed.

A small portion of a Resource Protection Area is located on the eastern end of the development, and two (2) riparian corridor management (non RPA) creeks cross the property. Within these two (2) areas, the 100-year floodplain must remain in its natural state except for limited road crossings perpendicular to the creeks. Disturbance during installation of sanitary sewers must also be minimized.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency service calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 350 dwelling units, this request will generate approximately fifty-three (53) calls for fire and EMS services each year. The applicant has addressed the impact on fire service. (Proffered Condition 12)

The Clover Hill Fire/Rescue Station, Company Number 7 and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately 185 students will be generated by this development. This site lies in the Woolridge Elementary School attendance zone: capacity - 750, enrollment - 800; Swift Creek Middle School zone: capacity - 1,200, enrollment - 1,443; and Clover Hill High School zone: capacity - 1,600, enrollment - 1,877.

This development will have a major impact on area schools. The schools involved are already overcrowded. There are five (5) trailers at Woolridge Elementary; six (6) trailers at Swift Creek Middle and eleven (11) trailers at Clover Hill High. The applicant has agreed to participate in the cost of providing for area school needs. (Proffered Condition 12)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

This development will most likely affect the Clover Hill Library or a proposed new branch along Genito Road. The Plan identifies a need for additional library space in these areas of the County. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 12)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations.

The applicant has offered measures to assist with addressing the impact of this development on parks and recreation facilities. (Proffered Condition 12)

Transportation:

The applicant has proffered that a maximum of 350 dwelling units will be developed on the property (Proffered Condition 1). Based on single family trip rates, development could generate approximately 3,290 average daily trips. These vehicles will be distributed along Otterdale Road which had a 2002 traffic count of 1,885 vehicles per day, and through the Foxcroft Subdivision to Woolridge Road which had a 2002 traffic count of 1,121 vehicles per day between Otterdale Road and Fox Club Parkway, a 2001 traffic count of 2,508 vehicles per day between Fox Club Parkway and Timber Bluff Parkway, and a 2001 traffic count of 7,942 vehicles per day between Timber Bluff Parkway and Genito Road.

The Thoroughfare Plan identifies Otterdale Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of Otterdale Road, in accordance with that Plan. (Proffered Condition 5)

The Thoroughfare Plan also identifies an east/west collector ("Fox Club Parkway Extended"), with a recommended right of way width of seventy (70) feet, extending from Otterdale Road through the property to Fox Club Parkway. This roadway is intended to primarily serve area development; therefore, a sixty (60) foot wide right of way is acceptable.

The applicant has proffered to dedicate a sixty (60) foot wide right of way for Fox Club Parkway Extended through the property, as a residential collector street (Proffered Condition 4). The exact alignment of this roadway will be approved at time of tentative subdivision review.

In order to address neighborhood concerns, the applicant has also proffered another condition regarding the design/construction of the internal road network. A proffered condition would require the developer to provide, to the extent permitted by the Transportation Department and the Virginia Department of Transportation (VDOT), three (3) traffic islands/circles within the development. (Proffered Condition 14)

Access to major arterials, such as Otterdale Road, should be controlled. The applicant has proffered that direct access to Otterdale Road will be limited to one (1) public road (Proffered Condition 6). This public road access will be Fox Club Parkway Extended.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct left and right turn lanes along Otterdale Road at the public road intersection, based on Transportation Department standards; 2) construct two (2) lanes of Fox Club Parkway Extended from Otterdale Road through the property to the eastern property line; 3) construct a three (3) lane typical section (i.e., one (1) entering lane and two (2) exiting lanes) for Fox Club Parkway Extended at its intersection with Otterdale Road; and 4) construct Fox Club Parkway Extended within Foxcroft Subdivision as described in Proffered Condition 22. (Proffered Condition 7)

Proffered Condition 22 requires the developer to submit plans for the design of Fox Club Parkway Extended within the Foxcroft Subdivision to the Planning Commission for approval (Proffered Condition 22). This proffer was submitted to address neighbor concerns. The proffer would require, to the extent permitted by VDOT, the plans for Fox Club Parkway Extended to include: 1) the use of curb and gutter and designed to accommodate pedestrian/bicycle crossing; 2) a maximum width of twenty-eight (28) feet face of curb to face of curb, except for a section approximately 100 feet long, measured from the Fox Gate Lane intersection, which will have a six (6) foot wide raised median separating travel lanes with a maximum width of fifteen (15) feet face of curb to face of curb on each side of the median; 3) its location generally in the center of the right-of-way, with minimal disturbance of the vegetation; 4) landscaping along both sides to minimize views from adjacent lots; and 5) a paved bicycle path on one (1) side. VDOT has indicated that the 100 foot long raised median may need to be extended to the next road intersection or be eliminated. VDOT and the Planning Commission will approve the final design for Fox Club Parkway Extended.

Constructing the turn lanes along Otterdale Road may require the developer to acquire some "off-site" right of way. According to Proffered Condition 7.d., if the developer is unable to acquire the off-site right of way for the turn lanes along Otterdale Road, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the

“off-site” right of way and will only be obligated to construct road improvements within available right of way.

The 2001 traffic volumes along the section of Hull Street Road (Route 360) from Otterdale Road to Route 288 range from 15,000 to 61,000 vehicles per day. The volume of traffic from Woodlake Village Parkway to Route 288 exceeds the capacity of the road and drivers experience extreme congestion, especially during peak periods. The VDOT Six-Year Improvement Program did include a project to widen Route 360 to six (6) and eight (8) lanes from Swift Creek to Winterpock Road. Part of the project, improvements to the Swift Creek Bridge, is now complete. However, due to State budgetary shortfalls, no construction funds have been allocated to complete the balance of this project.

Sections of Otterdale Road have twenty (20) to twenty-one (21) foot wide pavement with no shoulders, with substandard vertical and horizontal alignments and large trees located close to the edge of pavement. Based on the current volume of traffic during peak hours, Otterdale Road is at capacity (Level of Service E). Sections of Woolridge Road between Otterdale Road and Fox Club Parkway have eighteen (18) to nineteen (19) foot wide pavement with no shoulders. The capacity of this road is acceptable (Level of Service C) for the volume of traffic it currently carries. The standard typical section for Otterdale Road, and this section of Woolridge Road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders.

Sections of Woolridge Road between Timber Bluff Parkway and Genito Road have eighteen (18) to twenty-one (21) foot wide pavement with no shoulders, and guardrail immediately adjacent to the road. The section of Woolridge Road across the Swift Creek Reservoir is not in the State Highway System and is the responsibility of the County. Based on the current volume of traffic during peak hours, Woolridge Road is at capacity (Level of Service E). This section of Woolridge Road should be improved to a four (4) lane divided roadway.

No road improvement projects in this area of the County are included in the Secondary Road Six-Year Improvement Plan, except for a project to construct turn lanes at the Woolridge Road/Genito Road intersection. This project is currently underway and is anticipated to be complete in early Spring 2003.

The Thoroughfare Plan identifies the need to improve existing roads, as well as construct new roads to accommodate growth. Area roads, such as Otterdale Road, Woolridge Road and Route 360, need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors’ Policy, towards mitigating this traffic impact. (Proffered Condition 13)

At time of tentative subdivision review, specific recommendations will be provided regarding access, stub roads to adjacent parcels and the internal road network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	350*	1.00
Population Increase	955.50	2.73
Number of New Students		
Elementary	85.40	0.24
Middle	45.50	0.13
High	56.00	0.16
TOTAL	186.90	0.53
Net Cost for Schools	1,258,600	3,596
Net Cost for Parks	284,200	812
Net Cost for Libraries	98,700	282
Net Cost for Fire Stations	110,250	315
Average Net Cost for Roads	1,002,050	2,863
TOTAL NET COST	2,753,800	7,868

*Based on a proffered maximum of 350 lots. (Proffered Condition 1)

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$7,868 per unit. The applicant has been advised that a maximum proffer of \$7,800 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 12). Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential uses at a density of 2.0 dwelling units per acre or less.

Area Development Trends:

The largest portion of the adjacent property to the north and property to the south and west is zoned Agricultural (A) and is occupied by single family residences or remains vacant. A portion of the property to the north and adjacent property to the east is zoned Residential (R-12 and R-9) and is developed for single family residences in Fox Croft Subdivision. Residential development, at densities consistent with the Plan, is expected to continue north and northwest of the request site. It is anticipated property south of the request site will be developed for residential use at densities ranging from eight (8) to fourteen (14) units per acre and for corporate office and community commercial uses.

Density and Lot Size:

The applicant has proffered a maximum of 350 lots on 234.7 acres, yielding a density of approximately 1.5 dwelling units per acre, consistent with the Upper Swift Creek Plan which suggests a density of 2.0 units per acre or less (Proffered Condition 1). In addition, to address concerns expressed by area citizens, the applicant has agreed to a minimum lot size of 15,000 square feet, instead of the 12,000 square feet that R-12 zoning would allow. (Proffered Condition 13)

Buffers:

The Subdivision Ordinance requires that fifty (50) and thirty-five (35) foot buffers be maintained along Otterdale Road and Fox Club Parkway Extended, respectively. The Ordinance would allow these buffers to be included within the boundaries of individual lots. It has been staff's experience that individual homeowners tend to clear these areas resulting in a zoning violation on that individual lot and affecting the integrity of the buffers. To preserve the integrity of these buffers, the applicant has proffered that these areas will be provided in open space, thereby becoming the responsibility of a homeowners' association. (Proffered Condition 11)

Dwelling Size:

The applicant has submitted a proffered condition which requires a minimum gross floor area of 2,500 square feet for all dwelling units. (Proffered Condition 10)

Recreation Use:

This proposal would allow up to nine (9) acres within the development to be used for private recreation facilities. The facilities could include swimming pools, tennis courts or other recreational facilities primarily for use by residents of the development. The applicant has offered measures to minimize the impact of these facilities on future residents in the development (Proffered Condition 15). This proffer is similar to conditions imposed on other projects approved for such use. In addition, to address concerns expressed by area

property owners, the applicant has agreed that certain of these recreational facilities will be constructed prior to complete development. (Proffered Condition 17)

Tree Preservation Strip:

In an attempt to address concerns of adjacent property owners in the Foxcroft Subdivision relative to a vegetated separation between their lots and the dwellings within the proposed development, Proffered Condition 16 requires the provision of common open space adjacent to Foxcroft Subdivision.

Notification:

In response to area residents' concerns, Proffered Condition 18 requires the developer to notify the last known representative of the Foxcroft Homeowners Association on file with the Planning Department of the submission of tentative subdivision plans. It is imperative that the association keep the Planning Department current with the name and address of the representative to be notified.

Construction Traffic:

Proffered Condition 19 prohibits construction traffic for development on the subject property from utilizing Fox Club Parkway through Foxcroft Subdivision. This proffer will not preclude construction traffic associated with extension of the road or utilities. This proffered condition is difficult, if not impossible, for staff to enforce. Staff recommends this proffered condition not be accepted.

Covenants:

Proffered Condition 24 would require recordation of restrictive covenants for the subject property. It should be noted that the County will only insure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed.

CONCLUSIONS

The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less and are representative of existing and anticipated development. In addition, the proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, staff recommends approval of this request.

CASE HISTORY

Planning Commission Meeting (7/16/02):

At the request of the applicant, the Commission deferred this case to September 17, 2002.

Staff (7/17/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than July 22, 2002, for consideration at the Commission's September 17, 2002, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/30/02):

The applicant paid the \$250.00 deferral fee. In addition, the application was amended to include a request for Conditional Use to permit recreational facilities.

Applicant, Area Citizens, District Planning Commissioner and Staff (7/31/02):

A meeting was held to discuss the proposal. Concerns were expressed relative to transportation, schools, lot sizes, buffers, traffic-calming devices and recreational amenities. In addition, controlling development Countywide was discussed.

Applicant (8/22/02):

Additional proffered conditions were submitted.

Area Citizens, District Planning Commissioner and Staff (9/6/02):

A meeting was held to discuss the proposal. Concerns were expressed relative to schools, roads and if the proposed development is premature.

Area Citizens, Clover Hill District Planning Commissioner and Staff (9/10/02):

A meeting was held to discuss the proposal. Concerns were expressed relative to recreational facilities, tree preservation strip, where construction would start from, regional BMP, schools and impact on capital facilities.

Applicant (9/14/02):

Revised and additional proffered conditions were submitted.

Planning Commission Meeting (9/17/02):

At the request of the applicant, the Commission deferred this case to November 19, 2002.

Staff (9/18/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than September 23, 2002, for consideration at the Commission's November 19, 2002, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant, District Planning Commissioner and Staff (10/2/02):

A meeting was held to discuss the proposal. A list of concerns expressed by area citizens was presented and discussed with consideration given to ways the applicant could address the concerns.

Applicant (10/18/02):

Revised and additional proffered conditions and a conceptual road layout were submitted.

Applicant, Area Citizens and Staff (10/22/02):

A meeting was held to discuss the proposal. Concerns were expressed relative to roads, open space, recreational facilities, garage orientation, house sizes and area growth.

Applicant (10/30/02):

The deferral fee was paid.

Planning Commission Meeting (11/19/02):

At the request of the applicant, the Commission deferred this case to January 21, 2003.

Staff (11/20/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than November 25, 2002, for consideration at the Commission's January 21, 2003, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (12/20/02 and 12/30/02):

Revised proffered conditions were submitted.

Applicant, Area Citizens, Staff and District Commissioner (1/6/03):

A meeting was held to review the application and proffered conditions.

Applicant (1/7/03):

The deferral fee was paid.

Planning Commission Meeting (1/21/03):

The applicant accepted the recommendation. There was opposition present. Concerns were expressed relative to lack of sufficient meetings with adjacent property owners; extension of Fox Club Parkway; the increase in traffic through Fox Croft Subdivision as a result and the possibility of cut-through traffic; area road conditions; school capacity; and that the County's estimated averages for number of school children per dwelling unit is lower than the average number generated by homes in this area of the County; lack of sufficient open space; lack of a master plan; age of the Upper Swift Creek Plan; impacts on fire and police response times. Representatives indicated that the adjacent homeowners offered an alternative proposal which would prohibit the extension of Fox Club Parkway and provide for 150 feet of common open space adjacent to Foxcroft Subdivision. They indicated that if the

Commission and applicant would agree to this proposal, the Foxcroft adjacent homeowners would agree to the withdrawal of proffer relating to minimum lot and house sizes; timing of construction of recreational facilities; improvements to Fox Club Parkway stub road; and construction of a bike bath in Foxcroft Subdivision.

Mr. Cunningham indicated that he was surprised given area residents' concerns relative to growth issues such as overcrowding of schools and lack of adequate roads, that the neighborhood would be supportive with proffers which would preclude the extension of Fox Club Parkway and provide for 150 feet of open space adjacent to Foxcroft Subdivision. Mr. Cunningham noted that based upon concerns of the Fire Department, the Commission normally encourages "connectivity" between neighborhoods. He further stated that while the Plan may be somewhat outdated, it is currently the adopted Plan and the proposed conforms to the Plan. He noted that measures are being taken by the County to protect the water quality of Swift Creek Reservoir.

Mr. Litton noted that the proposal complies with the Plan; that the County has adopted regulations to protect the water quality of the Reservoir; and that the applicants have fully addressed their impact on capital facilities consistent with the County's policy.

Mr. Gulley applauded the neighborhood's through presentation. He stated that the Commission is currently studying the manner in which staff calculates permissible densities and whether consideration should be given to subtracting land deemed undevelopable by virtue of steep slopes, wetlands, etc; that in his opinion, the extension of Fox Club Parkway would encourage cut-through traffic and therefore increased traffic in Foxcroft Subdivision; that connection to neighborhoods can be made by means other than collector roads such as greenways and bike path; that there has been an inadequate assessment of the already approved, but unbuilt, development in the area on capital facilities; that while the County has adopted environmental regulations to minimize the impact of runoff on the Reservoir, there is concern that the timing of the construction of the regional BMPs may not coincide with development and some developments, such as the one proposed, is not planned to drain through a regional BMP. Mr. Gulley suggested that deferral of the case may be appropriate to further evaluate these issues.

Mr. Stack indicated that he had received significant input from area residents. He stated that the proposal before the Commission was one that was superior to the original proposal; that many of the issues raised by the Foxcroft Task Force had been addressed through the proffers; that the proposal conforms to the Plan; that road issues need to be addressed by the County through assessment districts or bond referendums; that redistricting would minimize many of the school overcrowding issues; and that the County has made strides with respect to adoption of environmental regulations.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 11.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
NAY: Mr. Gulley.

Board of Supervisors Meeting (2/26/03):

On their own motion, the Board deferred this case to November 25, 2003, to allow time to consider concerns relative to school overcrowding, regional BMPs and transportation impacts.

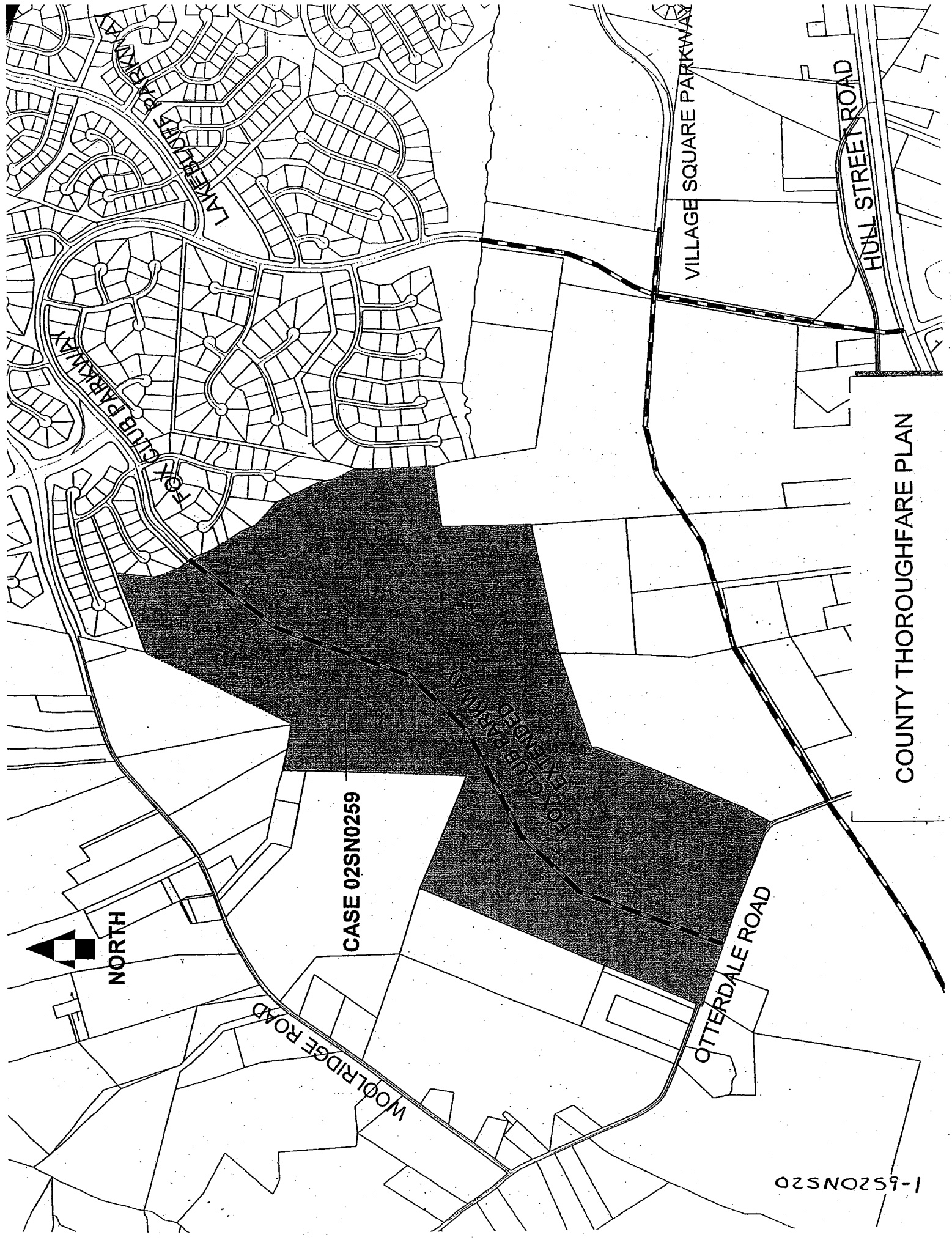
Staff (2/28/03):

The applicant was advised in writing that any new or revised information should be submitted no later than August 18, 2003, for consideration at the Board's November 25, 2003, public hearing.

Staff (11/3/03):

To date, no new information has been received.

The Board of Supervisors, on Tuesday, November 25, 2003, beginning at 7:00 p.m., will take under consideration this request.



COUNTY THOROUGHFARE PLAN

CASE 02SN0259

1-6520NS20